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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 14 AM 10:46

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rafael SANDOVAL-Sandoval
AKA: Raul SANDOVAL-Sandoval,

Defendant.

Magistrate Case No.

08-MJ-2137

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

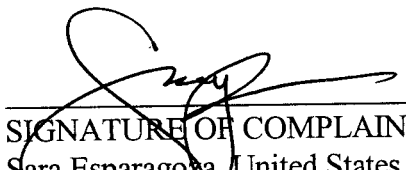
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant being duly sworn states:

On or about **July 11, 2008**, within the Southern District of California, defendant **Rafael SANDOVAL-Sandoval, AKA: Raul SANDOVAL-Sandoval**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this 14th day of **July, 2008**.


UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Michael J. Prado, declare under penalty of perjury the following to be true and correct:

On July 11, 2008 at approximately 11:37 PM, **Rafael SANDOVAL-Sandoval, AKA: Raul SANDOVAL-Sandoval, (Defendant)** made application for admission into the United States from Mexico through the pedestrian entrance of the San Ysidro, California Port of Entry. Upon inspection before a United States Customs and Border Protection Officer, Defendant orally claimed to be a United States citizen. Defendant did not have any identification to provide to the CBP Officer. Defendant was subsequently referred to secondary inspection.

In secondary, Defendant was queried by 10-digit fingerprint and photograph comparison through the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS returned a match to the query, linking Defendant to FBI and Immigration Service records which identified Defendant as a deported alien and citizen of Mexico.

Immigration Service record checks including the Deportable Alien Control System (DACS) indicate an Immigration Judge ordered Defendant deported to Mexico on or about September 26, 1995 and September 22, 1998. Defendant was last removed afoot on or about October 27, 2006 to Mexico via San Ysidro, California. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to legally re-enter the United States.


Executed on this 12th day of **July 2008** at **10:00 AM**.


Michael J. Prado / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page(s), I find probable cause to believe that the defendant named therein committed the offense on **July 11, 2008** in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE


DATE / TIME